

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#19
CofC
8/15/02

In re Patent of:

Jonnie R. Williams

U.S. Patent No.: 6,425,401
(Serial No.: 09/668,144
filed: September 25, 2000)

Issued: July 30, 2002

For: METHOD OF TREATING TOBACCO TO
REDUCE NITROSAMINE CONTENT AND
PRODUCTS PRODUCED THEREBY

Examiner: Colaianni, M.

Group Art Unit: 1731

Atty. Dkt. No. 004859.00006

Attn: Debbie Stephens
Crystal Park 3, Suite 910

**REQUEST FOR EXPEDITED ISSUANCE OF
CERTIFICATE OF CORRECTION UNDER 37 C.F.R. § 1.323**

Office of Patent Publications
Certificate of Corrections Branch
Honorable Assistant Commissioner of Patents
Washington, DC 20231

Sir:

The above-captioned patent is involved in a litigation that was filed on July 30, 2002 by Star Scientific, Inc., the exclusive licensee of the patent, against R.J. Reynolds Tobacco Company in the U.S. District Court for the District of Maryland.

It is respectfully requested that a Certificate of Correction be issued on an expedited basis as set forth on the attached form PTO-1050. The Certificate is necessary to insert a phrase into claim 53 that was omitted by mistake and in good faith during prosecution of the application that matured into the subject patent. The proposed correction does not introduce new matter and does not require reexamination of the patent, as discussed below.

Please charge \$ 100 for the Certificate of Correction to our Deposit Account 19-0733. If this amount is incorrect, the Commissioner is authorized to charge any deficiency or credit any overpayment to our Deposit Account No. 19-0733.

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• Discussion

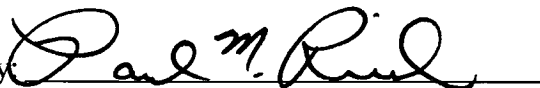
The subject patent contains several independent claims. Independent claims 5, 15, 25, and 35 each recite a "controlled environment comprises a flow of air sufficient to avoid an anaerobic condition around the vicinity of said plant portion." Independent claims 41, 47, and 59 each recite a "controlled environment comprises **air free of combustion exhaust gases and** an airflow sufficient to substantially prevent an anaerobic condition around the vicinity of said plant portion" (emphasis added). The bolded language was omitted from claim 53 by a clerical mistake in an amendment filed December 5, 2001, which introduced the claim as new application claim 114. As a consequence of this mistake, issued claim 53 is identical to issued claim 25.

The proposed Certificate of Correction corrects this mistake by inserting "air free of combustion exhaust gases and" at column 24, line 14 after "controlled environment comprises." It is apparent that no new matter is added because this same language is found, e.g., in independent claims 41, 47, and 59 and throughout the specification. The mistake is evident from the record, because the same language is used in adjacent independent claims 41, 47, and 59 and, without the correction, claim 53 is identical to claim 25.

It is respectfully submitted that the correction is appropriate under 37 C.F.R. § 1.323 and it is respectfully requested that this request for Certificate of Correction be granted on an expedited basis in view of the pending litigation involving this patent.

Respectfully submitted,

Date: August 1, 2002

By: 
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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.: 6,425,401
DATED: July 30, 2002
INVENTOR: Jonnie R. Williams

It is certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

At column 24, line 14 (claim 53), after "controlled environment comprises," the following was inserted: --air free of combustion exhaust gases and--.

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FORM PTO 1050 (Rev.2-93)

U.S. PAT. NO 6,425,401

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